

Amendment under 37 C.F.R. § 1.111  
U.S. Application No.: 10/614,095  
Attorney Docket No.: FSF-031401

## REMARKS

Claims 1, 2, 3 and 6 have been amended. Support for the amendment to claims 1 and 2 is found, for example, in the specification on pages 9, 29 and 77. Therefore, no new matter is presented. Upon entry of the Amendment, claims 1-12 and non-elected claims 13-20 will be pending in the application.

### I. Response to Claim Rejection under 35 U.S.C. § 112

Claims 1-12 were rejected under 35 U.S.C. § 112 second paragraph as being indefinite. The Examiner's concerns have been addressed by the present amendment.

Pursuant to the Examiner's suggestion, the claims have been amended to incorporate Markush group language.

The Examiner has stated that the Claims 1 and 2 are indefinite due to the absence of providing specific amounts of iridium and the other metals. Applicant respectfully disagrees. The characteristic feature of the present invention is that Ir metal is primarily contained in the core rather than the shell, and specified metals other than Ir are primarily contained in the shell rather than the core. Therefore, the amounts of the metals should be recited as relative values.

### II. Response to Claim Rejections Under 35 U.S.C. § 103

#### A. Uehara in view of various secondary references

Claim 1-12 stand rejected based on Uehara in view of various other

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secondary references.

All of the pending obvious rejections rely on the combination of Uehara and Habu. Applicant respectfully submits that the combination is improper. Habu relates to a silver halide photosensitive material suitable for lith-developing treatment (liquid treatment, not thermal development) with a developer such as hydroquinone. Because Habu does not relate to photothermography, the teachings of Habu would not be of interest to one skilled in the photothermographic arts and therefore Habu is not combinable with Uehara.

Moreover, even when combined, Uehara and Habu do not teach the present invention. The characteristic feature thereof is that the outermost shell of the silver halide particles has such a silver halide composition that it contains a rhodium atom and at least 80 mol% of silver chloride. In column 3 of Habu, it is described that the core of silver halide particles may contain a noble metal atom such as Ir. It is further described that a preferable volume ratio of the core to shell may be from 1:10 to 10:1. However, it is not clear what percentage of Ir is contained in the core constituting 50 mol% or 30 mol% of the silver halide particles. In the Examples of Habu, an embodiment is described in which the total amount of rhodium is contained in the shell occupying 50 volume% of the particles. However, the core occupying 50 volume% of the particles does not contain Ir.

While Applicant still believes these rejections to be improper, in the spirit of furthering the prosecution of this application, Applicant has made some substantive amendments to Claims 1 and 2. Claims 1 and 2 have been amended to:

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- limit the material to a black-and-white photothermographic material
- limit the reducing agent to the bisphenol compound of Formula (R)
- limit the silver halide to silver bromide, silver iodobromide, or silver iodide

It is respectfully submitted that these additional amendments certainly distinguish the present invention from the combination of Uehara and Habu and the other secondary references.

Finally, in the Response to Arguments section of the Office Action, the Examiner states that the declaration is outside the scope of the presently claimed invention. However, Applicant notes that the core of 30% recited in the declaration corresponds to claim 2. Therefore, Applicant respectfully disagrees with the Examiner on this point.

In view of the foregoing amendments and remarks, it is submitted that all of the claims currently pending in the application are in condition for allowance. Early and favorable action is respectfully requested.

Respectfully submitted,



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